

II. REMARKS

Claims 1-20 are pending in this application. By this Response, Applicants elect Group II (claims 4-20). Prompt examination on the merits is respectfully requested.

In the Restriction Requirement, the Office asserts that the devices of claims 1-3 could be made using methods other than the methods of claims 4-20. Specifically, the Office asserts that layers of the devices of claims 1-3 could be formed by selective deposition rather than patterning [and etching]. Applicants disagree with this conclusion. In particular, Applicants urge that other methods known in the art, including methods of selective deposition, are incapable of producing openings of different depths as disclosed by the present invention.

In addition, Applicants submit that there are other, more significant, grounds that justify searching the two Groups together. Specifically, Applicants submit that the subject matter of Groups I (claims 1-3) and II (claims 4-20) are sufficiently related that a thorough search for the subject matter of the Group II invention would encompass a search for the subject matter of the Group I invention.

Thus, it is respectfully submitted that the search and examination of Group II will encompass all of the subject matter of Group I, and thus a search for both Groups could be made without serious burden. See MPEP § 803, in which it is stated: "if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examining by the Office.

In view of the foregoing, Applicants respectfully request withdrawal of the Restriction Requirement between Groups I and II. Should the Examiner require anything further from

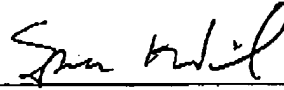
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- 2 -

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Applicants, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



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10/11/04

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